

ARKANSAS SUPREME COURT

No. CR 06-30

NOT DESIGNATED FOR PUBLICATION

LAVERNE OTIS REED
Appellant

v.

STATE OF ARKANSAS
Appellee

Opinion Delivered

March 16, 2006

PRO SE MOTION FOR DUPLICATION OF
ADDENDUM TO APPELLANT'S BRIEF AT
PUBLIC EXPENSE [CIRCUIT COURT OF
MISSISSIPPI COUNTY, CHICKASAWBA
DISTRICT, CR 2004-150]

MOTION DENIED

PER CURIAM

In 2005, judgment was entered reflecting that Laverne Otis Reed had entered a plea of guilty to robbery for which a sentence of 240 months' imprisonment was imposed. Reed subsequently timely filed in the trial court a petition for postconviction relief pursuant to Criminal Procedure Rule 37.1 in which he sought to have the judgment vacated or modified. The petition was denied, and Reed has lodged an appeal from the order in this court. Appellant Reed tendered his brief without the required addendum appended to each copy, and he now seeks to have the addendum duplicated at public expense.

A Rule 37.1 proceeding is a civil proceeding, separate and distinct from the underlying criminal conviction. *Arkansas Public Defender Commission v. Greene County Circuit Court*, 343 Ark. 49, 32 S.W.3d 470 (2000); *Dyer v. State*, 258 Ark. 494, 527 S.W.2d 622 (1975). There is no right under our rules or any constitutional provision to have a brief or a portion of a brief in a postconviction or other civil case duplicated at public expense. *See Maxie v. Gaines*, 317 Ark. 229, 876 S.W.2d 572 (1994) (*per curiam*). Nevertheless, in those cases where the indigent appellant makes a substantial showing in a motion that the appeal has merit and that he or she cannot provide the court with a sufficient number of copies of the brief or addendum, we will request that the Attorney General duplicate the brief or addendum.

In the motion at bar appellant has failed to offer any showing of substantial merit to the appeal. Accordingly, he has not shown that the addendum to the brief should be duplicated at public expense. Our clerk is directed to return the tendered brief to the appellant. The brief with addendum is due here no later than fifteen days from the date of this opinion.

Motion denied.